

## Coast Guard, DOT

## § 26.02

### § 25.707 Time limitation on claims.

A claim may be settled only if presented within 90 days after it accrues unless good cause is shown for the delay.

### § 25.709 Assessment limitation on claims.

A claim is permitted in any amount; however, this subpart prohibits any assessment that exceeds one-half of one month's basic pay against the pay of any offender.

## Subpart H—Pollution Removal Damage Claims

AUTHORITY: 33 U.S.C. 1321(j)(1)(A); 33 U.S.C. 1321(l); EO 11735, sec. 5 (a), (b)(3); 49 CFR 1.46(m).

### § 25.801 Scope.

This subpart prescribes the requirements for the administrative settlement of claims against the United States for damage to or loss of property resulting from containment or removal activities during Phase III or IV of the National Contingency Plan, under the Federal Water Pollution Control Act, as amended. 33 U.S.C. 1321.

### § 25.803 Claims payable.

A claim for damage to or loss of real or personal property is payable under this subpart if:

(a) Caused by the United States, its employees, agents or contractors during containment, countermeasures, cleanup, mitigation, and disposal activities under the National Contingency Plan; and

(b) In the exercise of care reasonable under the circumstances, the incident giving rise to the claim was necessary and the damage unavoidable.

### § 25.805 Claims not payable.

A claim is not payable under this subpart if it:

(a) Is for death or personal injury; or

(b) Arises out of activities to contain or remove a discharge of oil or other hazardous polluting substance from a United States or foreign public vessel or federally controlled facility.

## PART 26—VESSEL BRIDGE-TO-BRIDGE RADIOTELEPHONE REGULATIONS

Sec.

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AUTHORITY: 14 U.S.C. 2; 33 U.S.C. 1201–1208; 49 CFR 1.45(b), 1.46; Rule 1, International Regulations for the Prevention of Collisions at Sea.

SOURCE: CGD 71–114R, 37 FR 12720, June 28, 1972, unless otherwise noted.

### § 26.01 Purpose.

(a) The purpose of this part is to implement the provisions of the Vessel Bridge-to-Bridge Radiotelephone Act. This part:

(1) Requires the use of the vessel bridge-to-bridge radiotelephone;

(2) Provides the Coast Guard's interpretation of the meaning of important terms in the Act;

(3) Prescribes the procedures for applying for an exemption from the Act and the regulations issued under the Act and a listing of exemptions.

(b) Nothing in this part relieves any person from the obligation of complying with the rules of the road and the applicable pilot rules.

### § 26.02 Definitions.

For the purpose of this part and interpreting the Act:

*Secretary* means the Secretary of the Department in which the Coast Guard is operating;

*Act* means the “Vessel Bridge-to-Bridge Radiotelephone Act”, 33 U.S.C. sections 1201–1208;

*Length* is measured from end to end over the deck excluding sheer;

*Power-driven vessel* means any vessel propelled by machinery; and

*Towing vessel* means any commercial vessel engaged in towing another vessel astern, alongside, or by pushing ahead.

*Vessel Traffic Services (VTS)* means a service implemented under Part 161 of this chapter by the United States